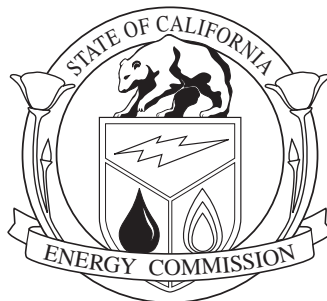


OVERALL GUIDELINES

Renewable Resource Trust Fund

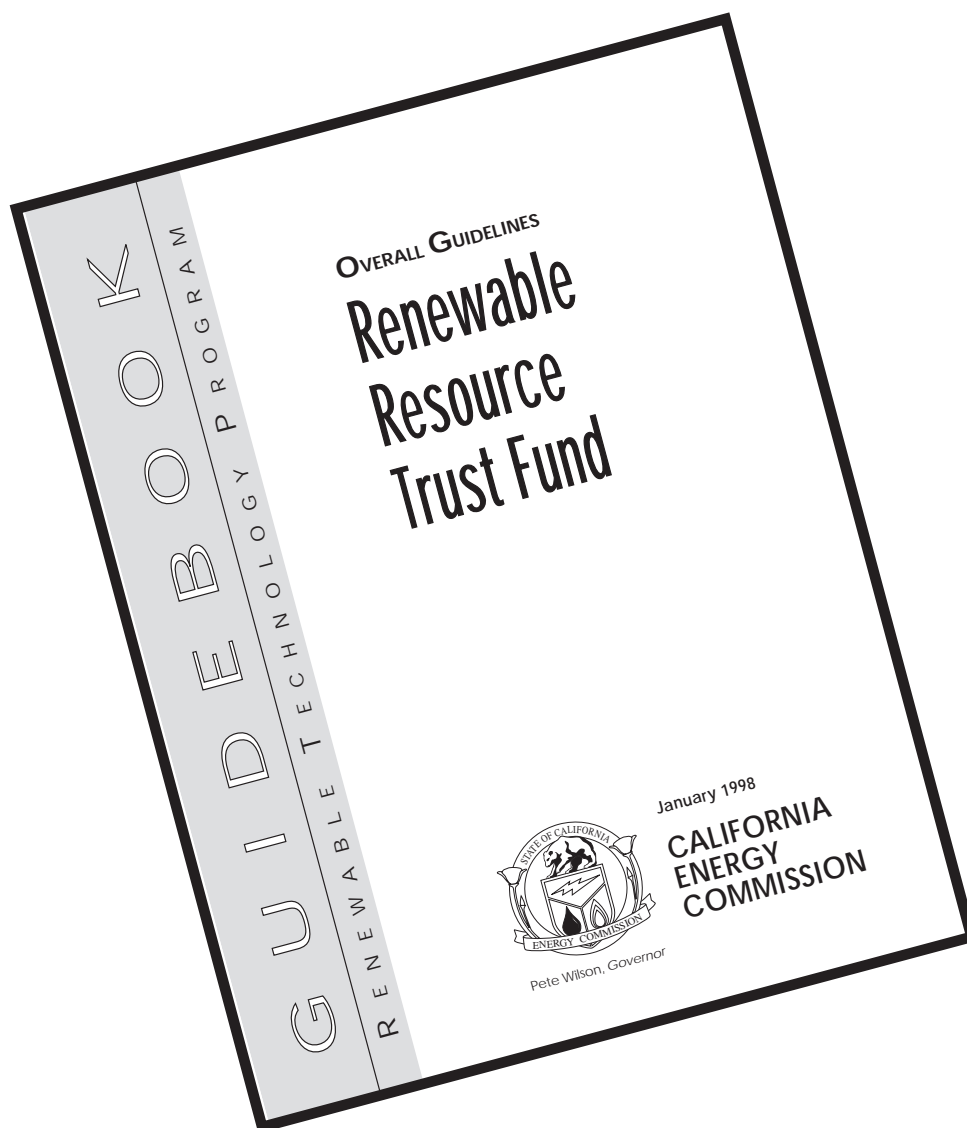


Pete Wilson, *Governor*

January 1998

**CALIFORNIA
ENERGY
COMMISSION**

P500-97-012



CALIFORNIA ENERGY COMMISSION

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ENERGY TECHNOLOGY DEVELOPMENT DIVISION

These guidelines were formally adopted by the California Energy Commission on January 21, 1998, pursuant to Senate Bill 90 (Chp. 905, Stats. 97).

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Chapter 1. General Provisions

1. Title

These guidelines shall be known as the "Renewable Resource Trust Fund Guidelines" and may be referred to as the "Renewable Guidelines."

2. Authority

These guidelines are adopted pursuant to Public Utilities Code section 383.5, subdivision (f), which authorizes the State Energy Resources Conservation and Development Commission to adopt guidelines governing programs funded with the Renewable Resource Trust Fund, created by Public Utilities Code section 445, subdivision (a).

3. Interpretation

Nothing in these guidelines shall be construed to abridge the powers or authority of the Commission or the Renewables Program Committee as specified in Division 15 of the Public Resources Code, commencing with section 25000, or Division 2 of Title 20 of the California Code of Regulations, commencing with section 1001.

4. Effective Date of Guidelines

These guidelines shall be of no effect until approved by the Committee and adopted by the Commission at a publicly noticed meeting with no less than 30 days public notice.

5. Substantive Changes to Guidelines

Substantive changes to these guidelines may be made upon the recommendation of the Committee with the approval of the Commission. Substantive changes shall take effect once adopted by the Commission at a publicly noticed meeting with no less than 10 days public notice.

6. Non-substantive Changes to Guidelines

Non-substantive changes to these guidelines may be made upon the recommendation and approval of the Committee. Non-substantive changes shall take effect 10 days after the Committee has approved and publicly noticed the non-substantive changes. Non-substantive changes include, but are not limited to the following:

- a. Changes in the format of any invoicing, certification, reporting, or other form, the submission of which is required by these guidelines, or changes in the information requested in the forms;

7. Definitions

- a. "Awardee" - An individual or entity granted a funding award pursuant to these guidelines.
- b. "Billing Month" - The period of time coinciding with a calendar month in which an awardee is entitled to receive a payment pursuant to the awardee's funding award.
- c. "Commission" - State Energy Resources Conservation and Development Commission. Also referred to as the California Energy Commission.
- d. "Committee" - The Renewable Program Committee of the State Energy Resources Conservation and Development Commission.
- e. "Funding Award" - A Commission grant of moneys from the Renewable Resources Trust Fund pursuant to these guidelines.
- f. "Guidelines" - Renewables Resource Trust Fund Guidelines.
- g. "Registrant" - Any individual or entity which applies for and is granted registration as a renewable supplier or renewable provider pursuant to these guidelines.
- h. "Renewable Resource Trust Fund" - The fund created in the State Treasury pursuant to Public Utilities Code section 445, subdivision (a), comprised of the following accounts:
 - 1) The Existing Renewable Resources Account.
 - 2) New Renewable Resources Account.
 - 3) Emerging Renewable Resources Account.
 - 4) Customer-side Renewable Resource Purchases Account.
 - A) Customer Credit Subaccount.
 - B) Consumer Education Subaccount.
- i. "Substantive Changes" - Changes to the guidelines which affect an individual's or an entity's ability to qualify for awards made pursuant to these guidelines from the Renewable Resource Trust Fund, or affect the payment amount of any awardee.

Chapter 2. The Existing Renewable Resources Account

1. Incorporation of Guidebook

Volume I of the Commission's guidebook, entitled "Existing Renewable Resources Account" and dated January 1998, is hereby incorporated by reference and made a part of these guidelines.

2. Application and Funding

Eligible individuals and entities interested in receiving funding awards from the Existing Renewable Resources Account shall apply to the Commission as specified in Volume I of the Commission's guidebook.

3. Approval of Funding Awards

Funding awards made pursuant to this chapter shall be deemed approved by the Commission once the awardee has been notified in writing of the awardee's eligibility and issued a registration number. Formal Commission approval of each individual funding award shall not be required.

4. Cancellation of Funding Awards

The Committee may cancel the funding award of any awardee who changes or otherwise modifies his or her basis for eligibility under Volume I of the Commission's guidebook and no longer satisfies the requisite eligibility criteria. The Committee's decision to cancel a funding award shall be made at a publicly noticed Committee hearing. The Committee shall notify the awardee in writing of the Committee hearing date, the basis for cancelling the awardee's funding award, the effective date of the cancellation, and the terms and conditions for the repayment of any portion of the funding award the awardee was not otherwise entitled to receive. The written notice required herein shall be given at least 15 days in advance of the Committee hearing date.

5. Funding Award Payments

The Commission intends to make monthly funding award payments to awardees within 60 days of the end of the billing month. Funding award payments shall not be made to an awardee in the event of any of the following:

- a. The Committee determines, pursuant to section 4 of this chapter, that the awardee is no longer eligible to receive a funding award; or
- b. The awardee fails to properly invoice the Commission's Accounting Office as specified in section 6 of this chapter; or

- c. A random audit conducted pursuant to section 7 of this chapter reveals an awardee's invoice submitted pursuant to section 6 of this chapter is overstated or otherwise unreasonable given awardee's nameplate production capacity, production history, etc.; or
- d. The awardee fails to repay the Commission for any overpayment the awardee received as specified in the written notice issued pursuant to section 7 of this chapter; or
- e. Based on an investigation conducted pursuant to section 2 of chapter 8 of these guidelines, the Committee determines that the awardee has misstated, falsified, or misrepresented information in applying for a funding award, in invoicing for a funding award payment, or in reporting any information as required by the guidelines.

6. Funding Award Invoicing

Invoices shall be submitted to the Commission's Accounting Office as specified in Volume 1 of the Commission's guidebook. Invoices which are not complete, legible, or received by the due date specified will be returned to the awardee along with a written notice stating the reasons why the invoice was rejected.

An awardee which fails to properly invoice the Commission for a given billing month by the due date specified shall not receive payment for that billing month.

7. Random Audits

The Commission's Accounting Office or its authorized agents, in conjunction with Commission technical staff, may conduct random audits of any pending or previously submitted invoices submitted pursuant to section 6 of this chapter for the purpose of verifying the accuracy of any information included in the invoices. As part of any random audit an awardee may be required to provide the Accounting Office or its authorized agents with any and all information and records pertinent to verify the accuracy of any information included in the awardee's invoices. An awardee may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the invoices.

If an audit finds that an invoice has overstated an awardee's production or otherwise contains incorrect information, the Accounting Office will notify the awardee of its findings in writing within 30 days of completing the audit. If the audit is for a pending invoice, the written notice shall identify any overstated production or other incorrect information, the amount of production the awardee will be paid for, and any further action the Commission intends to pursue. If the audit is for a previously submitted invoice, the written notice shall identify, the amount of any overpayment the awardee received and is obligated to repay, the

terms and conditions of such repayment, and any further action the Commission intends to pursue. Further action the Commission may pursue includes, but is not limited to, additional audits or an investigation for fraud pursuant to chapter 8.

8. Reconsideration of Funding Awards and Funding Award Cancellations

Any individual or entity which applied for but was not granted a funding award or whose funding award was cancelled may petition the Committee for reconsideration in accordance with the procedures set forth in Chapter 6 of these guidelines.

9. Disputes of Funding Award Payments

Disputes concerning the payment of any portion of a funding award made pursuant to this chapter shall be resolved in accordance with Chapter 7 of these guidelines.

10. Record Retention

- a. Awardees shall keep all records relating to and verifying the accuracy of information stated in an invoice submitted pursuant to section 6 of this chapter for a period not less than three years after the end of the calendar year in which payment for the invoice is made.
- b. Awardees shall keep all records relating to and verifying the accuracy of information stated in a report submitted to the Commission pursuant to Volume 1 of the Commission's guidebook for a period not less than three years after the end of the calendar year in which the report is submitted.
- c. Awardees shall keep all records relating to and verifying the overall usage, on a total energy input basis, of all fossil fuels and non-fossil fuels used to generate electricity in a given calendar year for a period not less than four years after the end of that calendar year.

Chapter 3. New Renewable Resource Account

1. Incorporation of Guidebook

Volume 2 of the Commission's guidebook, entitled "New Renewable Resources Account," and dated January 1998, is hereby incorporated by reference and made a part of these guidelines.

2. Application and Funding

Eligible individuals and entities interested in receiving funding awards from the New Renewable Resources Account shall apply to the Commission as specified in Volume 2 of the Commission's guidebook.

3. Approval of Funding Awards

The Committee shall approve funding awards made pursuant to this chapter at a publicly noticed Committee hearing and shall notify approved awardees in writing within 30 days of the award approval. The written notice shall specify the effective date of the funding award and any conditions which may affect the receipt or the continued receipt of the funding award.

4. Cancellation or Reduction of Funding Award

The Committee may cancel the funding award, or any appropriate portion thereof, of any awardee who changes or otherwise modifies his or her basis for eligibility under Volume 2 of the Commission's guidebook and no longer satisfies the requisite eligibility criteria, or who fails to satisfy any condition of the funding award. The Committee decision to cancel a funding award, or any portion thereof, shall be made at a publicly noticed Committee hearing. The Committee shall notify the awardee in writing of the Committee hearing date, the basis for cancelling the awardee's funding award, the effective date of cancellation, and the terms and conditions for the forfeiture of any performance bond posted by the awardee or, if the awardee's facility is operational, the terms and conditions for the repayment of any portion of the funding award the awardee was not otherwise entitled to receive. The written notice required herein shall be given at least 15 days in advance of the Committee hearing date.

5. Funding Award Payments

The Commission intends to make monthly funding award payments to awardees within 60 days of the end of the billing month. Funding award payments shall not be made to an awardee in the event of any of the following:

- a. The Committee determines, pursuant to section 4 of this chapter, that the awardee is no longer eligible to receive a funding award; or
- b. The awardee fails to properly invoice the Commission's Accounting Office as specified in section 6 of this chapter; or
- c. A random audit conducted pursuant to section 7 of this chapter reveals an awardee's invoice submitted pursuant to section 6 of this chapter is overstated or otherwise unreasonable given awardee's nameplate production capacity, production history, etc.; or

- d. The awardee fails to repay the Commission for any overpayment the awardee received as specified in the written notice issued pursuant to section 7 of this chapter; or
- e. Based on an investigation conducted pursuant to section 2 of chapter 8 of these guidelines, the Committee determines that the awardee has misstated, falsified, or misrepresented information in applying for a funding award, in invoicing for a funding award payment, or in reporting any information as required by the guidelines.

6. Funding Award Invoicing

Invoices shall be submitted to the Commission's Accounting Office as specified in Volume 2 of the Commission's guidebook. Incomplete or illegible invoices will be returned to the awardee with a written notice stating the reasons why the invoice was rejected.

7. Random Audits

The Commission's Accounting Office or its authorized agents, in conjunction with Commission technical staff, may conduct random audits of any pending or previously submitted invoices submitted pursuant to section 6 of this chapter for the purpose of verifying the accuracy of any information included in the invoices. As part of any random audit an awardee may be required to provide the Accounting Office or its authorized agents with any and all information and records pertinent to verify the accuracy of any information included in the awardee's invoices. An awardee may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the invoices.

If an audit finds that an invoice has overstated an awardee's production or otherwise contains incorrect information, the Accounting Office will notify the awardee of its findings in writing within 30 days of completing the audit. If the audit is for a pending invoice, the written notice shall identify any overstated production or other incorrect information, the amount of production the awardee will be paid for, and any further action the Commission intends to pursue. If the audit is for a previously submitted invoice, the written notice shall identify, the amount of any overpayment the awardee received and is obligated to repay, the terms and conditions of such repayment, and any further action the Commission intends to pursue. Further action the Commission may pursue includes, but is not limited to, additional audits or an investigation for fraud pursuant to chapter 8.

8. Reconsideration of Funding Awards and Award Cancellations and Reductions

Any individual or entity which applied for but was not granted a funding award or whose funding award was cancelled or reduced may petition the Committee for reconsideration in accordance with the procedures set forth in Chapter 6 of these guidelines.

9. Disputes of Funding Award Payments

Disputes concerning the payment of any portion of a funding award made pursuant to this chapter shall be resolved in accordance with Chapter 7 of these guidelines.

10. Subsequent Auctions

The Committee may authorize subsequent auctions to encumber funds in the New Renewable Resources Account not otherwise allocated through prior auctions. The need for subsequent auctions shall be determined by the Committee with due consideration of market conditions and previous auctions. The Committee shall specify the schedule for conducting any subsequent auctions and the eligibility criteria for participating in the auctions. The eligibility criteria for subsequent auctions shall comport with the eligibility criteria specified in Volume 2 of the Commission's guidebook.

11. Record Retention

- a. Awardees shall keep all records relating to and verifying the accuracy of information stated in an invoice submitted pursuant to section 6 of this chapter for a period not less than three years after the end of the calendar year in which payment for the invoice is made.
- b. Awardees shall keep all records relating to and verifying the accuracy of information stated in a report submitted to the Commission pursuant to Volume 2 of the Commission's guidebook for a period not less than three years after the end of the calendar year in which the report is submitted.
- c. Awardees shall keep all records relating to and verifying the overall usage, on a total energy input basis, of all fossil fuels and non-fossil fuels used to generate electricity in a given calendar year for a period not less than four years after the end of that calendar year.

Chapter 4. Emerging Renewable Resources Account

1. Incorporation of Guidebook

Volume 3 of the Commission's guidebook, entitled "Emerging Renewable Resources Account" and dated January 1998, is hereby incorporated by reference and made a part of these guidelines.

2. Application and Funding

Eligible individuals and entities interested in receiving funding awards from the Emerging Renewable Resources Account shall apply to the Commission as specified in Volume 3 of the Commission's guidebook.

3. Approval of Funding Awards

Funding awards made pursuant to this chapter shall be deemed approved by the Commission once the awardee has been notified in writing of the awardee's eligibility and issued an award confirmation. Formal Commission approval of each individual funding award shall not be required.

4. Cancellation of Funding Awards

The Commission's Accounting Office, in consultation with Commission staff, may cancel the funding award of any awardee who changes or otherwise modifies his or her basis for eligibility under Volume 3 of the Commission's guidebook and no longer satisfies the requisite eligibility criteria. Prior to cancelling any funding award the Accounting Office shall notify the awardee in writing of the basis for cancelling the awardee's funding award and the effective date of the cancellation.

5. Funding Award Payments

The Commission intends to make funding award payments within 50 days of receipt of the invoices submitted pursuant to section 6 of this chapter. A funding award payment shall not be made to an awardee in the event of any of the following:

- a. The awardee fails to properly invoice the Commission's Accounting Office as specified in section 6 of this chapter; or
- b. A random audit conducted pursuant to section 7 of this chapter reveals the awardee's project was not completed as specified by the invoice, or supporting documentation, submitted pursuant to section 6 of this chapter; or

- c. Based on an investigation conducted pursuant to section 2 of chapter 8 of these guidelines, the Committee determines that the awardee has misstated, falsified, or misrepresented information in applying for a funding award, in invoicing for a funding award payment, or in reporting any information as required by the guidelines.

6. Funding Award Invoicing

Invoices shall be submitted to the Commission's Accounting Office as specified in Volume 3 of the Commission's guidebook. Invoices which are not complete, legible, or received by the date specified in the awardee's funding award confirmation will be returned to the awardee along with a written notice stating the reasons why the invoice was rejected.

An awardee which fails to properly invoice the Commission by the due date specified in the funding award confirmation shall not be paid for that funding award.

7. Random Audits

The Commission's Accounting Office or its authorized agents, in conjunction with Commission technical staff, may conduct random audits of any invoices submitted pursuant to section 6 of this chapter for the purpose of verifying the accuracy of any information included in the invoices, including project completion.

As part of any random audit an awardee may be required to provide the Accounting Office or its authorized agents with any and all information and records pertinent to verify the accuracy of any information included in the awardee's invoices. An awardee may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the invoices.

If an audit finds that an invoice contains false or inaccurate information, the Accounting Office will notify the awardee of its findings in writing within 30 days of completing the audit. The written notice shall identify any action the Commission intends to pursue, including, but not limited to, additional audits or an investigation for fraud pursuant to chapter 8.

8. Reconsideration of Funding Awards and Funding Award Cancellations

Any individual or entity which applied for but was not granted a funding award or whose funding award was cancelled may petition the Committee for reconsideration in accordance with the procedures set forth in Chapter 6 of these guidelines.

9. Disputes of Funding Award Payments

Disputes concerning the payment of any portion of a funding award made pursuant to this chapter shall be resolved in accordance with Chapter 7 of these guidelines.

10. Record Retention

Awardees shall keep all records relating to and verifying the accuracy of information stated in an invoice submitted pursuant to section 6 of this chapter for a period not less than three years after the end of the calendar year in which payment for the invoice is made.

Chapter 5. Customer-side Renewable Resource Account

1. Incorporation of Guidebook

Volume 4 of the Commission's guidebook, entitled "Customer Credit Subaccount" and dated January 1998, is hereby incorporated by reference and made a part of these guidelines.

2. Application and Funding

Eligible individuals and entities interested in receiving funding awards from the Customer Credit Subaccount shall apply to the Commission as specified in Volume 4 of the Commission's guidebook.

3. Approval of Funding Awards

Funding awards made pursuant to this chapter shall be deemed approved by the Commission once the awardee has been notified in writing of the awardee's eligibility and issued a registration number. Formal Commission approval of each individual funding award shall not be required.

4. Cancellation of Funding Awards

The Committee shall cancel the funding award of any awardee who changes or otherwise modifies his or her basis for eligibility under Volume 4 of the Commission's guidebook and no longer satisfies the requisite eligibility criteria. The Committee's decision to cancel a funding award shall be made at a publicly noticed Committee hearing. The Committee shall notify the awardee in writing of the Committee hearing date, the basis for cancelling the awardee's funding award, the effective date of the cancellation, and the terms and conditions for the repayment of any portion of the funding award the awardee was not otherwise

entitled to receive. The written notice required herein shall be given at least 15 days in advance of the Committee hearing date.

5. Funding Award Payments

The Commission intends to make monthly funding award payments to awardees within 60 days of the end of the billing month. Funding award payments shall not be made to an awardee in the event of any of the following:

- a. The Committee determines pursuant to section 4 of this chapter, that the awardee is no longer eligible to receive a funding award; or
- b. The awardee fails to properly invoice the Commission's Accounting Office as specified in section 6 of this chapter; or
- c. A random audit conducted pursuant to section 7 of this chapter reveals the awardee's invoice submitted pursuant to section 6 of this chapter is overstated or otherwise unreasonable; or
- d. The awardee fails to submit to the Commission's Accounting Office additional information requested as part of a random audit conducted pursuant to section 7 of this chapter; or
- e. Based on an investigation conducted pursuant to section 2 of chapter 8 of these guidelines, the Committee determines that the awardee has misstated, falsified, or misrepresented information in applying for a funding award, in invoicing for a funding award payment, or in reporting any information as required by the guidelines.

6. Funding Award Invoicing

Invoices shall be submitted to the Commission's Accounting Office as specified in Volume 4 of the Commission's guidebook. Invoices which are not complete or legible will be returned to the awardee along with a written notice stating the reasons why the invoice was rejected.

7. Random Audits

The Commission's Accounting Office or its authorized agents, in conjunction with Commission technical staff, may conduct random audits of any invoices submitted pursuant to section 6 of this chapter for the purpose of verifying the accuracy of any information included in the invoices. As part of the audit, the Accounting Office may request that the awardee submit additional information for the purposes of verifying the accuracy of information included in the awardee's invoice. As part of any random audit an awardee may be required to provide the Accounting Office or its authorized agents with any and all information and records pertinent to verify the accuracy of any information included in the invoices. An awardee may also be required to open its business records for on-site inspection and audit by the Accounting Office or its authorized agents for purposes of verifying the accuracy of any information included in the invoices.

If an audit finds that an invoice contains false or inaccurate information, the Accounting Office will notify the awardee of its findings in writing within 30 days of completing the audit. The written notice shall identify any action the Commission intends to pursue, including, but not limited to, additional audits or an investigation for fraud pursuant to chapter 8.

8. Reconsideration of Funding Awards and Funding Award Cancellations

Any individual or entity which applied for but was not granted a funding award or whose funding award was cancelled may petition the Committee for reconsideration in accordance with the procedures set forth in Chapter 6 of these guidelines.

9. Disputes of Funding Award Payments

Disputes concerning the payment of any portion of a funding award made pursuant to this chapter shall be resolved in accordance with Chapter 7 of these guidelines.

10. Record Retention

- a. Awardees shall keep all records relating to and verifying the accuracy of information stated in an invoice submitted pursuant to section 6 of this chapter for a period not less than three years after the end of the calendar year in which payment for the invoice is made.
- b. Awardees shall keep all records relating to and verifying the accuracy of information stated in a report submitted to the Commission pursuant to Volume 4 of the Commission's guidebook for a period not less than three years after the end of the calendar year in which the report is submitted.

Chapter 6. Reconsideration of Funding Awards, Funding Award Cancellations, and Registration

1. Committee Reconsideration

Any individual or entity which applied for but was not granted a funding award, whose funding award was cancelled or reduced, which applied for but was not granted registration as a renewable supplier or provider, or whose registration was revoked may petition the Committee for reconsideration. The petition for reconsideration shall be in writing and shall be submitted, together with any supporting documentation, to the Committee at the following address within 15 days of receipt of the notice of funding award denial, cancellation, reduction, or registration denial or revocation. The petition shall specify why the funding award denial, cancellation, reduction, or registration denial or revocation is improper

given the eligibility criteria for the funding award or registration, explain the supporting documentation filed with the petition, identify the legal authority or other basis supporting the petitioning party's position, and identify the remedy sought.

Within 30 days of receipt of the petition the Committee shall schedule a hearing to consider the petition and shall notify the petitioning party of the hearing date and any additional information the petitioning party is directed to submit. This notice shall be given at least 15 days in advance of the Committee hearing date. The petitioning party and Commission staff may attend the Committee hearing to offer pertinent testimony.

The Committee shall provide the petitioning party with a written decision on the petition within 30 days of holding the hearing. Should the petitioning party disagree with the Committee's decision the petitioning party may appeal the decision to the Commission pursuant to section 2 of this chapter.

Address: California Energy Commission
Renewables Program Committee
1516 9th Street, MS-34
Sacramento, CA 95814-5512

2. Commission Appeals

Within 15 days of receipt of the Committee's decision, the appealing party shall file a letter of appeal indicating why the Committee's decision is unacceptable. The letter of appeal, along with a copy of the petition for reconsideration, supporting documentation, and the Committee's written decision, shall be sent to the Commission's Public Adviser at the following address. Within 15 days of receipt of the letter of appeal, the Public Adviser shall arrange for the appeal to be presented to the Commission at a regularly scheduled Business Meeting, and shall inform the awardee in writing of the Business Meeting date and the procedures for participating in the Business Meeting. The appealing party shall be responsible for presenting the appeal to the Commission during the Business Meeting. Unless the Commission determines otherwise during the course of the Business Meeting, a determination on the appeal shall be rendered during the Business Meeting.

Address: California Energy Commission
Public Adviser's Office
1516 9th Street, MS-12
Sacramento, CA 95814-5512

Chapter 7. Disputes of Funding Award Payments

1. Accounting Office Review

Within 15 days of receipt of a payment, the amount of which is disputed, or a notice from the Commission's Accounting Office indicating no payment will be made, the awardee must file a written dispute claim, together with any evidence supporting the awardee's position, to the Commission's Accounting Office at the following address. The claim shall identify the payment in dispute, the date on which payment was received or expected, an explanation of the evidence supporting the awardee's position, the legal authority or other basis for the awardee's position and the amount of repayment sought. The Accounting Office will review the claim within 15 days of its receipt, determine its validity, and provide the awardee with a written decision supported by reasons. The written decision shall specify that portion of the claim, if any, determined to be valid, and the amount and date when repayment will be made. Should the awardee disagree with the determination of the Accounting Office the awardee may seek reconsideration pursuant to section 2 of this chapter.

Address: California Energy Commission
Accounting Office
1516 9th Street, MS-2
Sacramento, CA 95814-5512

2. Executive Office Review

Within 15 days of receipt of a written decision from the Accounting Office the awardee must prepare a letter of reconsideration indicating why the written decision is unacceptable. The awardee shall send this letter, along with a copy of the original dispute claim, supporting documents, and the Accounting Office's written decision, to the Commission's Executive Director at the following address. The Executive Director, or his or her designee, will review the letter of reconsideration within 30 days of its receipt, assess the Accounting Office's written decision, and provide the awardee with a written decision. The written decision shall specify whether the Accounting Office's determination shall be upheld, whether any portion of the awardee's original dispute claim is deemed valid, and the amount and date that any repayment will be made. Should the awardee disagree with the Executive Director's determination the awardee may appeal the determination to the Commission pursuant to section 3 of this chapter.

Address: California Energy Commission
Office of the Executive Director
1516 9th Street, MS-39
Sacramento, CA 95814-5512

3. Commission Appeal

Within 15 day of receipt of the Executive Director's written determination, the awardee shall file a letter of appeal indicating why the Executive Director's written decision is unacceptable. The letter of appeal, along with a copy of the original dispute claim, supporting documents, and the Accounting Office and Executive Director decisions, shall be sent to the Commission's Public Adviser at the following address. Within 15 days of receipt of the written appeal the Public Adviser shall arrange for the appeal to be presented to the Commission at a regularly scheduled Business Meeting, and shall inform the awardee in writing of the Business Meeting date and the procedures for participating in the Business Meeting. The awardee shall be responsible for presenting the appeal to the Commission during the Business Meeting. Unless the Commission decides otherwise during the course of the Business Meeting, a determination on the awardee's appeal shall be rendered during the Business Meeting.

Address: California Energy Commission
Public Adviser's Office
1516 9th Street, MS-12
Sacramento, CA 95814-5512

Chapter 8. Enforcement Action

1. Recovery of Overpayment

The Committee may direct the Commission's Office of Chief Counsel to commence actions against any awardee or former awardee to recover any portion of a funding award the Committee determines the awardee or former awardee was not otherwise entitled to receive.

2. Fraud and Misrepresentation

The Committee may initiate an investigation of any registrant or awardee which the Committee has reason to believe may have misstated, falsified or misrepresented information in applying for registration as a renewable supplier or renewable provider, in applying for a funding award, in invoicing for a funding award payment, or in reporting any information as required by the guidelines. Based on the results of the investigation, the Committee may take any action it deems appropriate, including, but not limited to, revocation of the registration as renewable supplier or provider, cancellation of the funding award, recovery of any overpayment, and the initiation of an Attorney General investigation and prosecution pursuant to Government Code sections 12650, et seq.